



General Assembly

February Session, 2002

Amendment

LCO No. 4703

HB0552104703HD0

Offered by:

REP. GREEN, 1st Dist.
REP. HYSLOP, 39th Dist.
REP. DIAMANTIS, 79th Dist.
REP. RACZKA, 100th Dist.
REP. REINOSO, 130th Dist.
REP. SPALLONE, 36th Dist.
REP. HAMM, 34th Dist.
REP. CURREY, 10th Dist.
REP. O'CONNOR, 35th Dist.
REP. PAWELKIEWICZ, 49th Dist.
REP. ABRAMS, 83rd Dist.
REP. MURPHY, 81st Dist.

REP. DILLON, 92nd Dist.
REP. GONZALEZ, 3rd Dist.
REP. CARTER, 7th Dist.
REP. SHARKEY, 103rd Dist.
REP. STONE, 9th Dist.
REP. DONOVAN, 84th Dist.
REP. DEMARINIS, 40th Dist.
REP. GERRATANA, 23rd Dist.
REP. CARUSO, 126th Dist.
REP. URBAN, 43rd Dist.
REP. WILLIS, 64th Dist.
REP. WALKER, 93rd Dist.

To: House Bill No. 5521

File No. 408

Cal. No. 246

(As Amended)

"AN ACT CONCERNING SEARCH WARRANTS."

- 1 Strike section 4 in its entirety and insert the following in lieu thereof:
- 2 "Sec. 4. (NEW) (*Effective October 1, 2002, and in effect until October 1,*
- 3 *2004*) (a) A prosecuting official who seeks to issue a subpoena under
- 4 section 3 of this act shall submit an application to a judge of the
- 5 Superior Court. Such application shall include an affidavit sworn to by

6 such prosecuting official stating that such official:

7 (1) Has probable cause to believe that a class A or B felony has been
8 committed, and a full and complete statement of all the facts and
9 circumstances relied upon by the affiant;

10 (2) Has probable cause to believe that the person to be summoned to
11 appear and give testimony or produce property has information
12 relevant and necessary to the investigation concerning the alleged
13 commission of a class A or B felony, and a full and complete statement
14 of all the facts and circumstances relied upon by the affiant;

15 (3) Has probable cause to believe that the appearance and testimony
16 of such person or the production of property by such person would
17 not occur or be available without the issuance of a subpoena, and a full
18 and complete statement of all the facts and circumstances relied upon
19 by the affiant; and

20 (4) Has made reasonable efforts to secure such appearance,
21 testimony and property without recourse to a subpoena and those
22 efforts have been unsuccessful.

23 (b) If the judge finds that the provisions of subsection (a) of this
24 section have been satisfied, such judge may grant the application for
25 the issuance of a subpoena by such prosecuting official."